



FREDERICK COUNTY PLANNING COMMISSION
March 20, 2013 Public Hearing

TITLE: **Zoning Map Amendment, R-87-49(A)**

REQUEST: **PUD Phase I Amendment**

The Applicant is requesting to amend the PUD Phase I Plan to redesignate certain areas from Employment/Office (15.4 ac.) and Public Use (1.5 ac.) to Commercial within the Kingsbrook PUD

PROJECT INFORMATION:

ADDRESS/LOCATION: North and south sides of Corporate Drive at New Design Road
COMP. PLAN: Medium Density Residential/ Public Parkland
ZONING: Planned Unit Development (PUD)
PLANNING REGION: Adamstown and Frederick

APPLICANT/REPRESENTATIVES:

APPLICANT: R & R Frederick Associates I, LLLP and Ballenger Creek Partners, LLC

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION:

Staff recommends approval to redesignate the requested areas from Employment/Office and Public Use to Commercial with conditions.

ATTACHMENTS:

Exhibit 1- Staff Report
Exhibit 2-Applicant's submission

Zoning Map Amendment

March 13, 2013

CASE NUMBER: R-87-49(A)

PLANNING REGION: Adamstown and Frederick

APPLICANT: R & R Frederick Associates I, LLLP and Ballenger Creek Partners, LLC

REQUEST: Amend the Phase I PUD plan to redesignate certain areas from Employment/Office (15.4 acres) and Public Use (1.5 acres) to Commercial within the Kingsbrook PUD

LOCATION: North and south sides of Corporate Drive at New Design Road



I. Background

This Phase I Planned Unit Development (PUD) application is an amendment to a previous rezoning approval from 1988 (Case R-87-49) and proposes to redesignate all remaining vacant land originally approved for employment/office uses to a commercial designation. A 1.5-acre, vacant parcel, owned by the County and approved as a public use site as part of the original rezoning, has been included in this request for a commercial designation in the Kingsbrook PUD.

Case R-87-49, approved through Ordinance 88-16-493 (May 3, 1988) rezoned 270 acres from Agricultural to PUD. Case R-87-49 was approved with a density of 4.5 units per acre, along with areas for employment and commercial uses. Other approval conditions included parkland and school site dedication, the construction of portions of Corporate Drive, and preservation and re-use of the historic structures on the property. Phase II revisions occurred in 1989 and 1996 and included some alterations to the land use configurations approved in the 1987 rezoning. The 1989 Phase II Plan slightly expanded the commercial designated uses in the northwest quadrant of Corporate Drive and New Design Road, but still maintained an employment and commercial land use mixture. In 1996, a Phase II PUD Plan further reconfigured the employment/commercial mix at the northwest Corporate Drive and New Design Road and changed 2.5 acres from commercial to employment on the south side of Corporate Drive, adjacent to the 1.5-acre public use parcel.

The non-residential portion of the PUD has been developed with a 55,000 square-foot shopping center, two free-standing banks, and a gasoline station. On August 30, 2012, the Board of County Commissioners approved the inclusion of the 1.5-acre County-owned parcel in the application for this Phase I amendment, R-87-49(A).

II. Approval Criteria

§ 1-19-3.110.4. APPROVAL CRITERIA. (Individual Zoning Map Amendments)

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and Board of County Commissioners review will include, but not be limited to:

- (1) Consistency with the comprehensive plan;
- (2) Availability of public facilities;
- (3) Adequacy of existing and future transportation systems;
- (4) Compatibility with existing and proposed development;
- (5) Population change; and
- (6) The timing of development and facilities.

§ 1-19-10.500.3. APPROVAL CRITERIA. (for Planned Development Districts)

The Board of County Commissioners may approve or disapprove a request for rezoning of property to a Planned Development District if persuaded that granting the request is appropriate and serves the public interest. The approval or disapproval of a request for the application will be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. **In addition to the requirements in § 1-19-3.110.4**, the Planning Commission and Board of County Commissioners must find that the project adequately addresses the following criteria:

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

III. Applicant's Proposal

Land Use Proposal

The original PUD zoning was applied to the subject properties in 1988 and included 133.4 acres of land designated for residential use, 12.1 acres designated for commercial uses, 16.2 acres for office/employment uses, and a 1.5-acre public use site. This Phase I Plan amendment does not propose any changes to the residential portion of the PUD.

A subsequent PUD Phase II Plan in the mid-1990's changed the land use in one area from that approved in the original 1988 PUD rezoning: Area C (3.5 acres) was originally identified for commercial uses in the 1988 PUD rezoning approval, but a 1996 Phase II approval depicted 2.5 acres for future employment uses and 1.0 acres for commercial. The proposed Phase I amendment depicts the future land uses on all remaining undeveloped areas, including the 1.5-acre County-owned parcel, with a commercial designation within the PUD.

Concept Plan

The Concept Plan depicts the locations of the undeveloped areas that are requesting a commercial designation within the Kingsbrook PUD. The development areas are situated in six (6) locations in the Corporate Drive/New Design Road area as follows:

- Area A: 2.1 acres on the west side of New Design Road, north of the existing shopping center **(Original Phase I: Employment)**
- Area B: 1.5-acre, County-owned parcel on the south side of Corporate Drive, adjoining Area C. The Ballenger Creek Trail Master Plan contains a planned spur connection on this parcel to the main Ballenger Creek Trail, located to the south of Area C **(Original Phase I: Governmental Use)**
- Area C: 2.5 acres on the south side of Corporate Drive, adjacent to the existing Sovereign Bank **(Original Phase I: Commercial. 1996 Phase II: 1.0 acre of Commercial and 2.5 acres of Employment)**
- Area D: 3.0 acres at the northwest corner of New Design Road and Corporate Drive **(Original Phase I: Employment)**
- Area E: 7.2 acres on the west side of New Design Road, approximately 700 feet south of Corporate Drive **(Original Phase I: Employment)**
- Area F: 0.6 acres at the northeast corner of New Design Road and Corporate Drive **(Original Phase I: Employment)**

Phasing Plan

The timing or sequencing of future development will be determined by the applicant or subsequent owners or leasees, and will respond to future demands for commercial development in the local marketplace. Future Phase II preliminary subdivision or site development plans for the subject areas will require Adequate Public Facilities Ordinance review for traffic impacts and water and sewer infrastructure, but not for schools as no residential uses are proposed in this request.

IV. Relationship of the proposed development with the County Comprehensive Plan, Adjoining Land Uses, and other Community or Corridor Plans

Consistency with the Comprehensive Plan

The Kingsbrook PUD is located within the Ballenger Creek Community Growth Area as designated on the 2010 County Comprehensive Plan with a land use designation of Medium Density Residential. Area B (1.5-acre County parcel) is designated Natural Resource on the 2010 Comprehensive Plan. The remainder of the areas (A-F), subject to R-87-49(A), currently has a Medium Density Residential designation on the Comprehensive Plan. As such, it is identified as an area that has been targeted for growth and new development and is therefore consistent with the general policy paradigm advanced in the Comprehensive Plan that supports the location of growth within designated areas. Comprehensive Plan policies encourage the mixture of land uses and the PUD zoning regulations permit commercial development. The proposed Phase I amendment is consistent with the County's land use policies as contained in the Comprehensive Plan.

Compatibility with Adjoining Land Uses and Natural Features

As previously stated, the PUD zone was applied to this area through rezoning case R-87-49 and formally adopted in 1988. Prior to that (1959-1987) the site had been zoned Agricultural (A). Adjoining the properties to the west and north is the existing residential portion of the Kingsbrook PUD. New Design Road borders the properties to the east, with the Westview Fire and Rescue Station, the Westview Park residential area, several isolated residential dwellings plus the undeveloped Westview MXD fronting the opposite side of New Design Road in this area.

Numerous commercial/retail uses, including two free-standing banks plus a shopping center with a grocery store anchor are immediately adjacent to the subject properties. To the east of New Design Road are offices, a commercial day care facility, residential uses and a fire/rescue station. The adjacent land uses to the south are primarily open space, incorporating the FEMA 100-year floodplain and mainstem of Ballenger Creek. The existing residential portion of the Kingsbrook PUD is located to the west of the subject properties on both sides of Corporate Drive.

Also throughout the Kingsbrook PUD and the areas subject to R-87-49(A) is FEMA 100-year floodplain and County Open Space, which includes the Ballenger Creek Stream Valley Trail. The floodplain areas were dedicated to the County for open space as platting and development adjacent to these areas proceeded within Kingsbrook in the early 1990's. Portions of the FEMA 100-year floodplain exist on several of the subject properties and are depicted as Green Area on the applicant's Concept Plan.

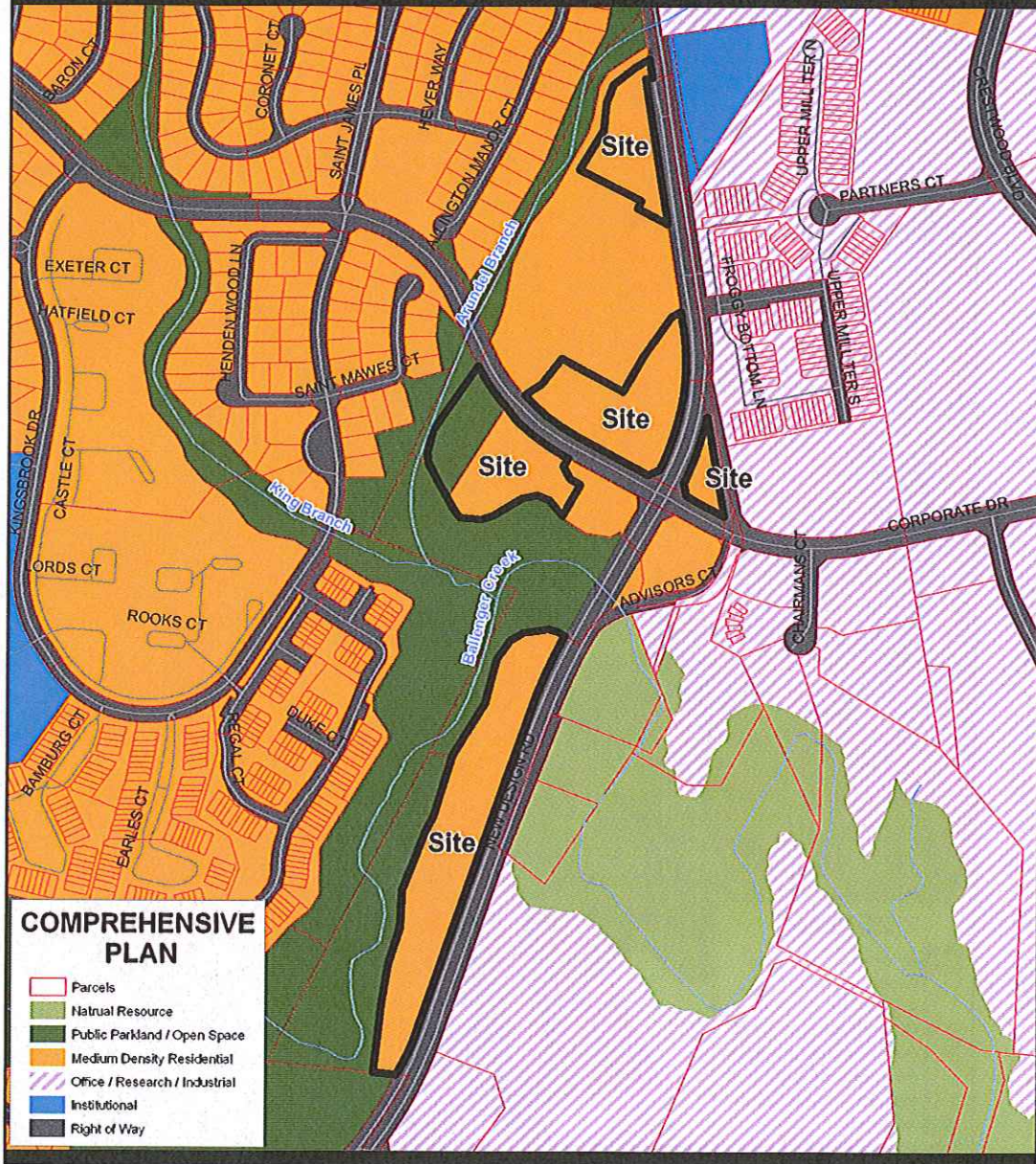
Comprehensive, Community and/or Corridor Plan

The 2010 Comprehensive Plan outlines overall community development principles such as encouraging higher density development, a mix of land uses, providing distinctive design that contributes to a distinctive community character, efficiency of layout relative to public infrastructure, and general accessibility through multiple modes of transport as well as interconnectedness of the transportation network.

The proposed Phase I amendment reaffirms an efficient use of land and existing public infrastructure. Providing commercial areas in very close proximity to the existing residential development in the Kingsbrook PUD and adjacent communities promotes compact, efficient land use patterns and lessens vehicular trips. Future development of the subject properties will utilize existing transportation and public utility infrastructure present in the immediate area. Floodplain resources are clearly depicted on the applicant's Concept Plan and will become additional, future Open Space in the community. The spur trail will enhance the pedestrian and recreation experience for existing residents as well as future customers, users and employees in the new commercial areas.

R-87-49(A)

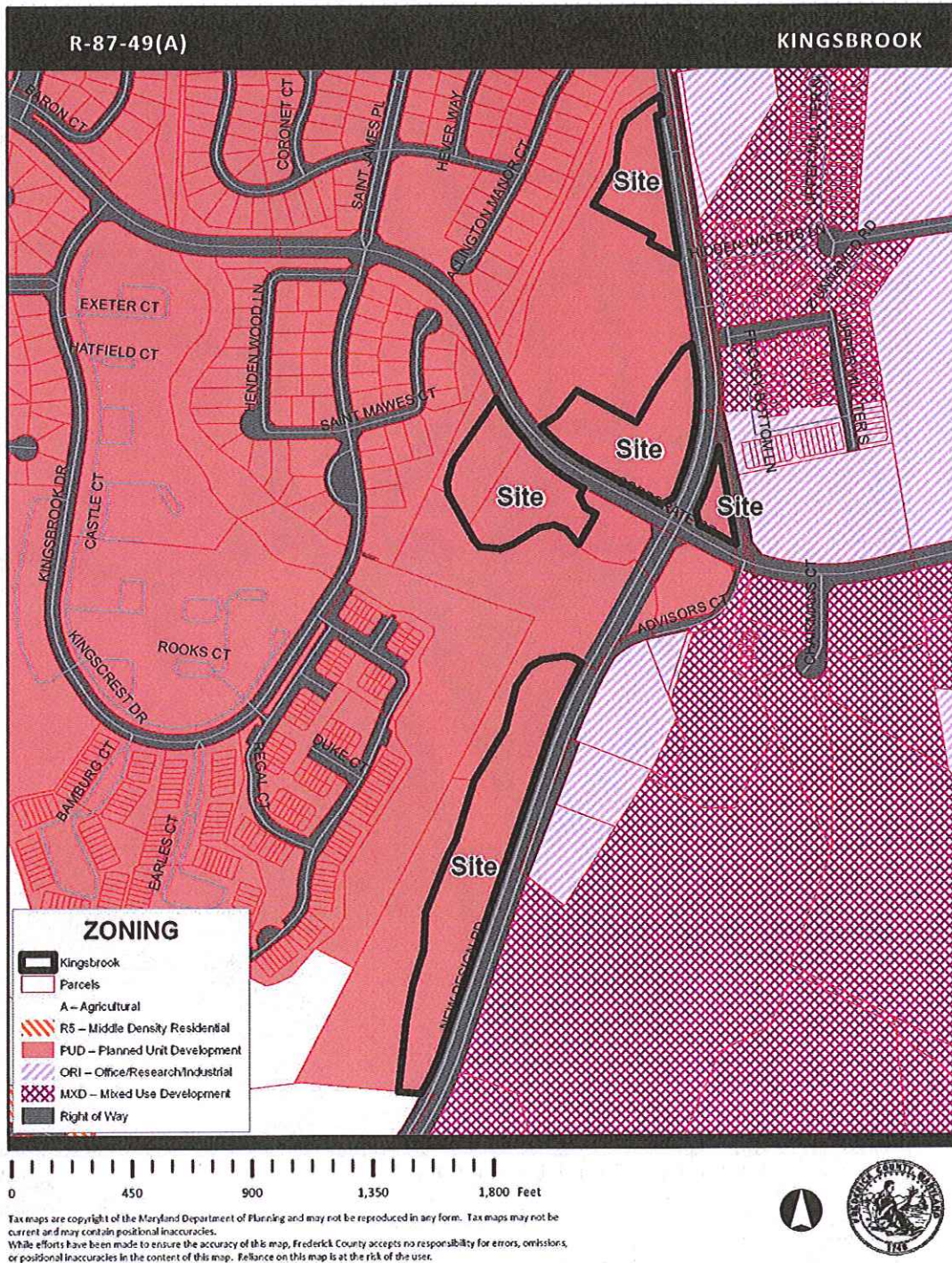
KINGSBROOK



0 475 950 1,425 1,900 Feet

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V. Availability of Public Facilities and Services

Public Schools

Case R-87-49(A) requests a designation for future commercial uses on the remaining undeveloped portions of the Kingsbrook PUD. There will not be any impacts on school enrollments as a result of this application.

Water and Sewer

Public water and sewer lines are adjacent to the subject properties that serve the existing commercial, residential and office uses that surround the areas subject to R-87-49(A). Infrastructure capacity for these remaining undeveloped parcels has already been programmed as the adjacent land is developed and served by public water and sewer service.

Public Safety Facilities

The United Steam Fire Steam Engine Company No. 31, 'Westview,' is located approximately 0.3 miles to the north of the subject properties, and provides fire response, emergency medical services (EMS) plus advanced life support (ALS) services to the area.

Parks and Recreation Facilities

The Ballenger Creek Trail, part of the Ballenger Creek Linear Park, is partially constructed and runs adjacent to the subject properties. The Park Master Plan includes a spur trail on the 1.5-acre, county-owned parcel included in this application. The spur trail will greatly enhance the public recreational amenity for community residents as well as customers and employees in the future commercial areas.

The Ballenger Creek Trail Master Plan depicts an approximately 4.5 mile, paved-surface trail that parallels the main stem of Ballenger Creek, from the Monocacy River to Ballenger Creek Regional Park. Several portions of the Trail adjacent to the Kingsbrook PUD are constructed. Sections of the Trail that adjoin areas undergoing development have been constructed by the entities undertaking that development; this scenario will continue as other areas surrounding the Ballenger Creek Trail proceed through the development review and approval process. The County-owned parcel included in this application contains a trail spur connection to the main Ballenger Creek Trail as shown on the Ballenger Creek Trail Master Plan. This parcel was approved for public use or other governmental services in the original 1987 PUD rezoning. With the eventual sale of this County parcel to the applicant for commercial development, the construction of the trail spur, by the applicant, will still maintain the spirit of the parcel's original intent, provide enhanced pedestrian opportunities and improve the Ballenger Creek Trail amenity in the community.

VI. Transportation

Existing Site Access Characteristics and Comprehensive Plan Designations for Adjoining Roadways

The sites have frontage along Corporate Drive and New Design Road. Existing access points serving current development that surrounds the subject properties will be utilized for most of the future land uses. The southern parcel has 0.33 miles of frontage on New Design Road. Future access and any needed intersection improvements will be determined at site plan or preliminary plat stage. The County Comprehensive Plan designates New Design Road as a Major Arterial. Corporate Drive is classified as a Minor Arterial roadway.

There are no planned or programmed road improvements in the vicinity.

Existing Traffic Volumes on Adjoining Roads

AADT: 2009 Annual Average Daily Traffic

Corporate Drive - 0.18 miles west of New Design Road

AADT: 6,273

New Design Road (southbound) – 0.30 miles south of Corporate Drive

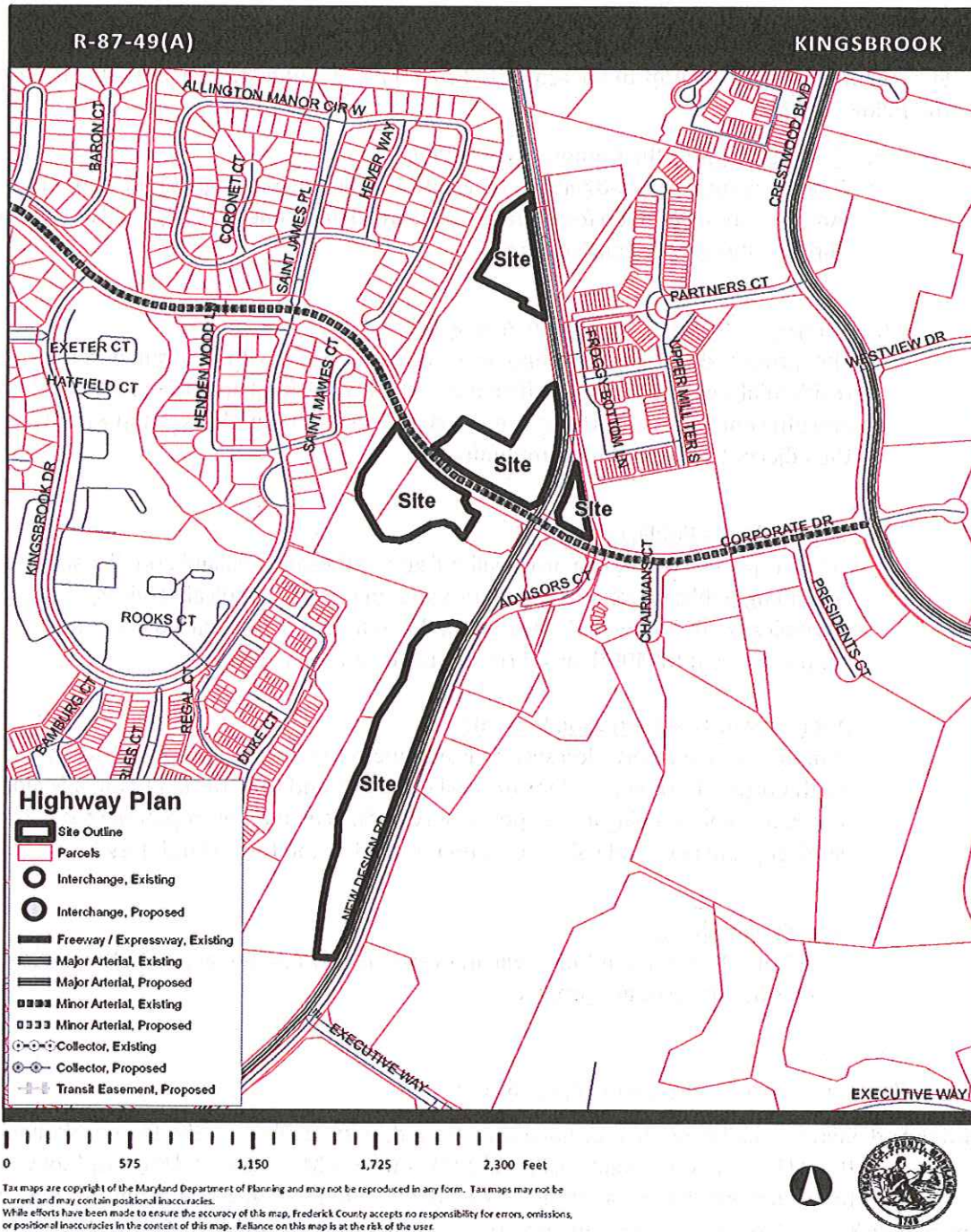
AADT: 5,703

New Design Road (northbound) – 0.30 miles south of Corporate Drive

AADT: 5,641

VII. Population Change

This Phase I amendment does not propose any changes to the residential portion of the Kingsbrook PUD, which is built-out with 983 dwellings, with a population of approximately 2,654. The amendment will not result in further population change of the neighborhood.



VIII. Staff Recommendation

Staff recommends APPROVAL of the request, R-87-49(A), to amend the Phase I PUD Plan based upon the following findings:

1. Consistency with the Comprehensive Plan
The areas subject to R-87-49(A) are located within the Ballenger Creek Community Growth Area, an area identified for future growth and development as depicted and articulated in the County Comprehensive Plan.
2. Compatibility with Existing and Proposed Land Uses
The proposed commercial land use is compatible with the surrounding mixture of residential, commercial, and office uses. The PUD Phase I amendment promotes compact and efficient land use patterns in an area planned for multiple uses and will efficiently serve the adjacent, surrounding community.
3. Availability of Public Facilities
The proposed commercial uses will utilize existing and available public facilities, including public water and sewer, fire and emergency medical services, as well as community-wide recreational amenities. School facilities are not impacted by R-87-49(A), as no residential uses are proposed.
4. Adequacy of Transportation Systems
The existing transportation system is adequate to serve the proposed commercial uses. Both Corporate Drive, a Minor Arterial roadway, and New Design Road, a Major Arterial roadway, have existing access points serving the current development that surrounds the subject properties and will be utilized for most of the future land uses.
5. Population Change
The PUD Phase I amendment will not result in any additional population increase as no residential uses are proposed.

Staff recommends the following condition:

Applicant or developer shall construct, or have constructed, prior to Phase II Site Plan or Preliminary Plan approval for Outlot B (1.5-acres, Tax Map 86, Parcel 229) or for Tax Map 86, Parcel 55, an 8-foot wide asphalt trail on the property currently known as Outlot B, beginning at the sidewalk on Corporate Drive extending approximately 375 feet, or the entire length of the property, to meet the adjoining County Open Space parcel recorded at Plat Book 49, Page 38 on May 28, 1992. This trail shall be constructed to meet requirements contained in the *Frederick County Bikeway and Trails Design Standards and Planning Guidelines*. The applicant shall establish and record a 16-foot wide, perpetual public access easement over this trail, to Frederick County, prior to Phase II Site Plan or Preliminary Plan approval on the properties described above.